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FISCAL IMPACT STATEMENT

LS 6526

BILL NUMBER: SB 255

NOTE PREPARED: Jan 11, 2012

BILL AMENDED: June 10, 2012

SUBJECT: Various Homeland Security Matters.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Local Emergency Planning Funds*- The bill provides that local emergency planning funds withheld by the State Emergency Response Commission (SERC) may be used by the SERC for purposes related to hazardous materials.

Variance Granting- The bill authorizes the executive director of the Department of Homeland Security (DHS) to grant variances to rules governing the State Disaster Relief Fund (SDRF).

Radiation Control- The bill provides that certain powers and duties concerning radiation and radiation control are shared by the State Department of Health (SDOH) and the DHS executive director.

Conforming Amendments- The bill makes conforming amendments.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Variance Granting*- Except in certain circumstances as stated in current law, the DHS executive director has the authority to adopt rules concerning the DHS. Given that rules development and adoption is part of the normal administrative functions of the DHS, the executive director would likely be able to adopt variances to the rules governing the SDRF within the DHS's existing level of resources. Any variances granted would have to promote the effective and expeditious distribution of relief assistance.

Radiation Control- This provision would join the DHS with the SDOH to administer, enforce, and make rules concerning radiation and radiation control. With respect to rules, the DHS already adopts rules within

their normal administrative functions. Administration and enforcement of existing law with the SDOH would depend on the resources available to the DHS and the extent to which the DHS would be involved with the licensing of facilities with radiation machines and licensing radiologic technologists. With respect to owners of radiation machines, IC 16-41-35-29 currently allows inspection procedures to be carried out as determined by the SDOH. The bill, however, would allow the DHS to jointly have authority with the SDOH with the inspections of radiation machine facilities. Any impact to state expenditures would depend on future action of the DHS and SDOH in cooperation to carry out the enforcement of radiation control law, and would include the assessment of penalties for statute violations.

Background Information- SDRF- The State Disaster Relief Fund had a free balance of \$2.16 M on June 30, 2011.

Radiation Control- The SDOH certifies and provides a list of acceptable persons that can inspect radiation machines. Currently, the inspections are set up privately between the radiation machine owner and a certified inspector. Inspectors work independently and are not employees of the SDOH. Fees are maintained privately for inspections and are agreed between the radiation machine owner and the inspector. The SDOH has staff dedicated to processing the inspection forms turned in by the inspectors to certify and license the machine owners. Total outlay for the SDOH's staff expenditures to administer certifications is less than \$80,000 annually. This procedure to inspecting radiation machines has been in existence since 1985. As of December 29, 2011, the number of active radiation machine licenses was 5,044.

Explanation of State Revenues: (Revised) *Local Emergency Planning Funds*- This provision would allow funds withheld by the SERC to be available for use by the SERC for hazardous materials training, mitigation, preparedness, and recovery. Grounds for withholding local funding can include the failure to annually provide information required under current law to the SERC. Information not reported that could lead to funding withheld includes reports on local planning committee expenditures, proof of legal notice under the Superfund Amendments and Reauthorization Act of 1986, emergency preparedness plans, bylaws of the local committee, proof of exercising the response plan, a current membership roster, and local committee meeting minutes.

Background Information- Local Emergency Planning Committees- During 2009, 63 local emergency planning committees were granted approximately \$495,000 in funding from the SERC.

Radiologic Technologist Licensing- The fee to license a radiologic technologist is currently \$60. Revenue generated during FY 2011 from the license fee was \$525,390. Revenues from the fee are placed in the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Variance Granting*- This provision may provide a means for disaster funding to reach local communities more quickly, depending on action taken by the DHS.

State Agencies Affected: Indiana Department of Homeland Security; Indiana State Department of Health; State Emergency Response Commission.

Local Agencies Affected: Local emergency planning committees.

Information Sources: *Indiana Department of Homeland Security Annual Report 2009; Indiana Handbook of Taxes, Revenues, and Appropriations 2011 Edition*; David Nauth, Manager, Medical Radiological Services, 233-7563; Indiana State Department of Health Memorandum to New and Existing Radiation Machine Facilities (undated); ISDOH Approved List of Physicists and Inspectors for radiation machines.

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